

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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GREGORY J. AVEDISIAN and	)	
LINDA J. AVEDISIAN,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 16-654 WES
	)	
SELECT PORTFOLIO SERVICING, INC.,	)	
and U.S. BANK, NA, successor	)	
trustee to LASALLE BANK NATIONAL	)	
ASSOCIATION, on behalf of the	)	
HOLDERS OF BEAR STEARNS ASSET	)	
BACKED SECURITIES I TRUST	)	
2005-HE10 ASSET-BACKED	)	
CERTIFICATES SERIES 2005-HE10,	)	
	)	
Defendants.	)	

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**ORDER**

WILLIAM E. SMITH, Chief Judge.

Magistrate Judge Patricia A. Sullivan filed a Report and Recommendation ("R&R") on August 29, 2017 (ECF No. 18), recommending that the Court grant Defendants' Motion To Dismiss Plaintiffs' Amended Complaint (ECF No. 11) for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (ECF No. 14). Although Plaintiffs technically filed an objection to the R&R on October 17, 2017 (ECF No. 21),<sup>1</sup> this

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<sup>1</sup> Additionally, on October 18, 2017, Plaintiffs filed a second Motion To Amend/Correct their Complaint (ECF No. 22) ("Second Motion To Amend Complaint").

filing is an objection in name only. Indeed, Plaintiffs simply refiled their response in opposition to Defendants' Motion To Dismiss and called it a response in opposition to the R&R. Alas, despite Plaintiffs' inventive relabeling, Plaintiffs' filing is no more persuasive at this juncture. In any event, Plaintiffs' failure to specifically object to the R&R constitutes a waiver of any right to review by this Court and the right to appeal the Court's decision. Garayalde-Rijos v. Municipality of Carolina, 747 F.3d 15, 21-22 (1st Cir. 2014); see also Fed. R. Civ. P. 72(b)(2); DRI LR 72(c)(1).

Accordingly, after carefully reviewing the relevant papers, the Court ACCEPTS in its entirety the R&R (ECF No. 18), which is comprehensive and well-reasoned. Plaintiffs' Amended Complaint (ECF No. 11) is, therefore, dismissed with prejudice as to all Defendants. As a necessary consequence, Plaintiffs' Second Motion To Amend Complaint (ECF No. 22) is DENIED.

IT IS SO ORDERED.



William E. Smith  
Chief Judge

Date: December 11, 2017